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Gary Rogalski

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9257

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Michael D. Bednarek
Shaw Pittman LLP
1650 Tysons Boulevard
McLean, VA 22102

EXAMINER

SANTIAGO CORDERO, MARIVELISSE

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/620,566	Applicant(s) ROGALSKI ET AL.	
	Examiner Marivelisse Santiago-Cordero	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 11-16 and 18-25 is/are pending in the application.
- 4a) Of the above claim(s) 13 and 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 11-16 and 18-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Art Unit – Location

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/25/06 has been entered.

Election/Restrictions

3. Claims 13-14 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 6/1/05.

Information Disclosure Statement

4. The references cited in the Information Disclosure Statement (IDS) filed on 7/13/06 have been considered.

Response to Arguments

5. Applicant's arguments filed on 5/25/06 have been fully considered but they are not persuasive.

Applicant argues that none of Cannon, Underwood, and Wonak teaches or suggests the feature of “audio router” (see Remarks: page 10, 2nd full paragraph). The Examiner respectfully disagrees. Cannon discloses a router (Fig. 2, reference 206) configured to send and receive audio signal communications (col. 5, lines 28-30).

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-2 and 4-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Cannon et al. (hereinafter “Cannon”; Patent No.: 6,650,871; cited in form PTO-892, paper no. 20050812).

Regarding claim 1, Cannon discloses a system for exchanging data and audio between a cellular telephone and a landline telephone, the system comprising: a cordless telephone base station (Figs. 1-2, reference numerals 100a or 100b) having a first radio transceiver for wirelessly communicating with a cellular telephone using a short-range RF communication technology (Fig. 2, reference numeral 202), a second cordless radio transceiver (Fig. 2, reference numeral 208) for communicating with a cordless handset associated with the cordless telephone base station (col. 4, lines 26-33); and an audio router (Fig. 2, reference 206) configured to send and receive audio signal communications (Fig. 2; col. 4, line 66 through col. 5, line 30) with a short-

range wireless communication protocol stack and transcoder (Fig. 2, reference 204), and to send and receive audio signals communications (Fig. 2; col. 4, line 66 through col. 5, line 30) with a cordless protocol stack and transcoder (Fig. 2, reference 210); and

the cordless handset (Fig. 1, reference 102a; Fig. 3) having a third cordless radio transceiver configured to communicate with the cordless telephone base station using cordless radio frequency communications (Fig. 1, reference numeral 102a; Fig. 3, reference numeral 302; col. 4, lines 36-40), and

wherein when the cellular telephone is within a wireless communication range of the first radio transceiver and the second radio transceiver of the cordless telephone base station are activated to exchange data and audio with each other (Fig. 2 in conjunction with Fig. 1; note the router 206; Fig. 3) and the cordless handset communicates with the cellular telephone (Fig. 2 in conjunction with Fig. 1; note the router 206; Fig. 3; col. 4, lines 45-50), and

wherein the audio router is configured to couple, at least in part, the cellular telephone to the landline telephone base station (Fig. 2).

Regarding claim 2, Cannon discloses the system of claim 1 (see above), wherein the cordless telephone base station includes a short-range wireless communications module including hardware and software used for the first radio transceiver (Fig. 2, reference numeral 204), and cordless protocol stack and transcoder coupled to the cordless radio transceiver (Fig. 2, reference numeral 210).

Regarding claim 4, Cannon discloses the system of claim 2 (see above), wherein the short-range wireless communications module establishes an audio link for exchanging audio

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messages between the cordless telephone base station and the cellular telephone (col. 4, lines 34-58; col. 5, lines 28-30).

Regarding claim 5, Cannon discloses the system of claim 2 (see above), wherein the short-range wireless communications module establishes a data link for exchanging data between the cordless telephone base station and the cellular telephone (col. 4, lines 34-58).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3, 7-8, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon in view of Mooney et al. (hereinafter "Mooney"; Pub. No.: US 2003/0045235).

Regarding claim 3, Cannon discloses the system of claim 2 (see above) wherein the cordless telephone base station and the cellular telephone communicates with each other (Fig. 2, reference 206; col. 4, lines 45-50). Cannon fails to disclose wherein the short-range wireless communications module supports a headset profile through which the cordless telephone base station and the cellular telephone communicates with each other.

However, in the same field of endeavor, Mooney, in a short-range wireless communications type network, discloses wherein the short-range wireless communications module supports a headset profile through which the cordless telephone base station and the cellular telephone can communicate with each other by the headset profile (Figs. 1-4; page 1, paragraphs [0009], [0012]-[0021]).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to support in the short-range wireless communications module of Cannon a headset profile through which the cordless telephone base station and the cellular telephone can communicate with each other as suggested by Mooney for the advantage of providing the framework for conventional short-range communications (Mooney: paragraph [0008]), providing a wireless hands free connection for a wireless phone (Mooney: page 1, paragraph [0009]) and it is the most commonly used profile.

Regarding claim 7, Cannon discloses a system for wireless communications between a cellular telephone and a landline telephone, the system comprising:

a telephone base station associated with the landline telephone (Figs. 1-2, reference numeral 100a) including a short-range wireless transceiver (Fig. 2, reference numeral 202), a first cordless radio transceiver (Fig. 2, reference numeral 208) (col. 4, lines 26-33), and an audio router (Fig. 2, reference 206; col. 4, line 66 through col. 5, line 30);

one or more handsets (Fig. 1, reference 102a), each handset comprising a second cordless radio transceiver (col. 4, lines 36-40) configured to communicate with the first cordless radio transceiver of the telephone base station using radio frequency communications (Fig. 3, reference numeral 302; col. 4, lines 36-40),

a cellular telephone employing a short-range wireless communications technology compatible with the short-range wireless transceiver of the telephone base station (Fig. 1, reference numerals 110-114; col. 3, lines 39-46), so that when the cellular telephone is in a range of the short-range wireless transceiver, a wireless communication is established between the cellular telephone and the telephone base station (Fig. 3; col. 4, lines 14-19), and

wherein the audio router is configured to send and receive audio signal communications (Fig. 2; col. 4, line 66 through col. 5, line 30) with a short-range wireless communication protocol stack and transcoder (Fig. 2, reference 204), and to send and receive audio signals communications (Fig. 2; col. 4, line 66 through col. 5, line 30) with a cordless protocol stack and transcoder (Fig. 2, reference 210); and

when the wireless communication is established, an audio link is established between the cellular telephone and the telephone base station (Fig. 3; col. 4, lines 41-50 and 66 through col. 5, line 7).

Cannon fails to disclose by using a short-range wireless communications headset profile embedded in the telephone base station of the landline telephone and the cellular telephone for exchanging audio packets when an audio exchange is required.

However, in the same field of endeavor, Mooney, in a short-range wireless communication, discloses using a short-range wireless communication headset profile embedded in the telephone base station of the landline telephone and the cellular telephone for exchanging audio packets when an audio exchange is required (Figs. 1 and 4, note that it is encompassed as reference numeral 502; page 1, paragraphs [0009], [0012]-[0021]).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to establish the audio link of Cannon by using a short-range wireless communication headset profile embedded in the telephone base station of the landline telephone and the cellular telephone for exchanging audio packets when an audio exchange is required as suggested by Mooney for the advantages of providing the framework for conventional short-range communications (Mooney: paragraph [0008]), providing a wireless hands free connection

for a wireless phone (Mooney: page 1, paragraph [0009]) and it is the most commonly used profile.

Regarding claim 8, in the obvious combination, Cannon discloses wherein a data link is established using an Asynchronous Connectionless Link (ACL) connection along with the audio link to support data exchange between the one or more cellular telephone and the telephone base station (from col. 4, line 59 through col. 5, line 7).

Regarding claim 11, in the obvious combination, Cannon discloses wherein the one or more handsets further include cordless radio transceivers and antenna (Figs. 1 and 3, references 102a and 302, respectively; col. 4, lines 36-40).

10. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon in combination with of Underwood.

Regarding claim 6, Cannon discloses the system of claim 1 (see above). Cannon fails to disclose wherein when the first and second radio transceivers of the base station are activated to exchange data and audio with each other, the cordless handset is able to receive incoming calls and make outgoing calls for the cellular telephone.

However, in the same field of endeavor, Underwood discloses wherein when the first and second radio transceivers of the base station are activated to exchange data and audio with each other, the cordless handset (Fig. 2, reference 110A-B) is able to receive incoming calls and make outgoing calls for the cellular telephone (Fig. 2, reference 200; paragraph [0028])

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to receive, when the first and second radio transceivers of the base station of Cannon are activated to exchange data and audio with each other, incoming calls and make

outgoing calls for the cellular telephone as suggested by Underwood for the advantage of providing the handsets with access to all data and functionality of the cellular telephones (Underwood: page 3, paragraph [0028]).

11. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon in combination with Mooney as applied to claim 7 above, and further in view of Underwood.

Regarding claim 12, Cannon in combination with Mooney fail to disclose wherein when the wireless communication is established, one of the one or more headsets is used to receive incoming calls for the cellular telephone and to send outgoing calls on the behalf of the cellular telephone.

However, Underwood, in a system for wireless communications between a cellular telephone and a landline telephone, discloses wherein when the wireless communication is established (paragraphs [0027]-[0028]), one of the one or more headsets (Fig. 2, reference 110A-B) is used to receive incoming calls for the cellular telephone (Fig. 2, reference 200) and to send outgoing calls on the behalf of the cellular telephone (paragraph [0028]).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to receive, when the wireless communication of Cannon in combination with Mooney is established, incoming calls for the cellular telephone and to send outgoing calls on the behalf of the cellular telephone as suggested by Underwood for the advantage of providing the handsets with access to all data and functionality of the cellular telephones (Underwood: page 3, paragraph [0028]).

12. Claims 15-16 and 18-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wonak et al. (hereinafter "Wonak"; Pub. No.: US 2003/0236091, cited in IDS filed on 7/28/2004) in view of Cannon.

Regarding claim 15, Wonak discloses a method for establishing a wireless communications between a cellular telephone (Fig. 1, reference 14) and a landline telephone (Fig. 1, reference numeral 16 in conjunction with reference numeral 18), the method comprising:

establishing a wireless communications link between the landline telephone and the cellular telephone when the cellular telephone is within a range of a transceiver of a base station (Fig. 1, reference numeral 16) of the landline telephone (page 3, paragraph [0016]), wherein the landline telephone base station (Fig. 1, reference numeral 16) communicates with one or more telephone handsets of the landline telephone (Fig. 1, reference numeral 18);

establishing an audio link between the cellular telephone and the landline telephone when the wireless communications link between the landline telephone and the cellular telephone is established (page 3, paragraph [0016]), sending and receiving audio signal communications with a short-range wireless communication protocol stack and transcoder (page 2, paragraph [0015]);

receiving audio communications from the one or more telephone handsets of the landline telephone (page 3, paragraphs [0016]-[0017]); processing the audio communications at the base station of the landline telephone according to a wireless communications protocol corresponding to a wireless transceiver of the cellular telephone (page 3, paragraph [0017]); and sending the processed audio communications to the cellular telephone via the audio link (page 3, paragraphs [0016]-[0017]).

Even when Wonak discloses routing of audio signals (page 2, paragraph [0015]), Wonak fails to specifically disclose an audio router configured to send and receive audio signal communications with the short-range wireless communication protocol stack and transcoder, and to send and receive audio signals communications with a cordless protocol stack and transcoder.

However, in the same field of endeavor, Cannon discloses wherein the landline telephone base station (Fig. 2, reference 100a and/or 100b) comprises an audio router (Fig. 2, reference 206) configured to send and receive audio signal communications (Fig. 2; col. 4, line 66 through col. 5, line 30) with a short-range wireless communication protocol stack and transcoder (Fig. 2, reference 204), and to send and receive audio signals communications (Fig. 2; col. 4, line 66 through col. 5, line 30) with a cordless protocol stack and transcoder (Fig. 2, reference 210)

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to incorporate an audio router configured to send and receive audio signal communications of Wonak with the short-range wireless communication protocol stack and transcoder, and to send and receive audio signals communications with a cordless protocol stack and transcoder as suggested by Cannon for the advantage of providing a path to direct the signal to the appropriate components and to form a bridge between the different protocols.

Regarding claim 16, in the obvious combination, Cannon discloses a method for establishing a wireless communication between a cellular telephone and a landline telephone, further comprising: establishing a data link using Asynchronous Connectionless Link (ACL) connection between the cellular telephone and the landline telephone base unit for supporting data exchanges between the cellular telephone and the landline telephone base unit (from col. 4, line 59 through col. 5, line 7).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to establish the data link of Wonak using Asynchronous Connectionless Link (ACL) connection between the cellular telephone and the landline telephone base unit for supporting data exchanges between the cellular telephone and the landline telephone base unit as suggested by Cannon for the advantage of supporting a higher data rate (see e.g., Cannon: col. 5, lines 3-7) and improving the quality and range.

Regarding claim 18, in the obvious combination, Wonak discloses wherein the cellular telephone and the landline telephone both employ a short-range communications (page 3, paragraph [0016]).

Regarding claim 19, in the obvious combination, Wonak discloses wherein the landline telephone base station comprises one transceiver, which is a short-range wireless communications transceiver for use in receiving/sending messages to the cellular telephone (page 3, paragraph [0016]). Wonak fails to disclose wherein the landline telephone base station comprises two transceivers, one of which is a cordless link transceiver for use in receiving/sending messages to the one or more headset.

However, in the same field of endeavor, Cannon discloses a method for establishing a wireless communication between a cellular telephone and a landline telephone, wherein the landline telephone base station (Fig. 2, reference 100a) comprises two transceivers (Fig. 1, references 202 and 208), one of which is a cordless link transceiver for use in receiving/sending messages to the one or more headset (Fig. 2, reference 208; col. 4, lines 26-30 and 36-40), and the other one of which is a short-range wireless communications transceiver for use in

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receiving/sending messages to the cellular telephone (Fig. 2, reference 202; col. 3, lines 39-46; col. 4, lines 30-33).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to incorporate in the landline telephone base station of Wonak two transceivers, one of which is a cordless link transceiver for use in receiving/sending messages to the one or more landline headset as suggested by Cannon for the advantage of allowing normal FCC approved RF communications (Cannon: col. 4, lines 26-30) and increasing the convenience for the user.

Regarding claim 20, in the obvious combination, Wonak discloses wherein sending the processed audio communications to at least one of the cellular telephones via the audio link includes sending AT (ATtention) commands (page 3, paragraph [0016]-[0017]).

Regarding claim 21, in the obvious combination, Cannon discloses a method for establishing a wireless communication between a cellular telephone and a landline telephone, wherein the AT commands are sent using data packets over an ACL (Asynchronous Connectionless link) connection (from col. 4, line 59 through col. 5, line 7).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to send the AT commands of Wonak using data packets over an ACL (Asynchronous Connectionless link) connection as suggested by Cannon for the advantages of supporting a higher data rate (see e.g., Cannon: col. 5, lines 3-7) and improving the quality and range.

Regarding claim 22, in the obvious combination, Wonak discloses wherein the AT commands are sent using one of the audio packets, the data packets, and a combination of audio packets and data packets (page 3, paragraph [0016]-[0017]).

Regarding claim 23, in the obvious combination, Cannon discloses a method for establishing a wireless communication between a cellular telephone and a landline telephone, wherein the AT commands are sent using data packets over an audio (SCO) connection (from col. 4, line 59 through col. 5, line 7).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to send the AT commands of Wonak using data packets over an audio (SCO) connection as suggested by Cannon for the advantage of supporting up to three simultaneous synchronous voice channels (Cannon: from col. 4, line 59 through col. 5, line 7).

Regarding claim 24, in the obvious combination, Wonak discloses further comprising establishing a direct wireless communication link between the cellular telephone and a handset that is communicating with a landline telephone base station employing a short-range wireless communications technology when the cellular telephone is within a range of the landline telephone base station (page 3, paragraph [0016]). Wonak fails to disclose a **cordless** handset.

However, Cannon, in a method for establishing a wireless communication between a cellular telephone and a landline telephone, discloses: a **cordless** handset (col. 4, lines 36-40).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to use the handset of Wonak as cordless as suggested by Cannon for the advantage of allowing the user to move freely without the restrictions and limitations of a cord.

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Regarding claim 25, in the obvious combination, Wonak discloses wherein the wireless communication link between the landline telephone and the cellular telephone is established, the transceiver of the landline telephone base station is activated to exchange data and audio and one of the one or more handset is used to receive incoming calls and make outgoing calls for the cellular telephone (paragraphs [0016]-[0017]). Wonak fails to disclose the two transceivers of the landline telephone base station are activated to exchange data and audio with each other.

However, in the obvious combination, Cannon discloses the two transceivers of the landline telephone base station are activated to exchange data and audio with each other (col. 4, lines 45-50 and from line 66 through col. 5, line 15).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to incorporate and activate the two transceivers of the landline telephone base station of Wonak to exchange data and audio with each other as suggested by Cannon for the advantage of allowing normal FCC approved RF communications (Cannon: col. 4, lines 26-30) and wireless, long-range communications (col. 4, lines 45-50).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marivelisse Santiago-Cordero whose telephone number is (571) 272-7839. The examiner can normally be reached on Monday through Friday from 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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MSC



LESTER G. KINCAID
SUPERVISORY PRIMARY EXAMINER